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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,170	05/20/2002	Simo Saari	21261	7493

7590 03/16/2004

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,170

Applicant(s)

SAARI, SIMO

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 5/20/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. None of the copies have been received.

Drawings

The drawings are objected to because in figure 4, there are two numeral "12" and "(5)" for a single lead line which is improper. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on line 1 the word "invention" is used which is improper. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: Headings should appear before the appropriate sections of the specification, i.e. "Background of the Invention", "Summary of the Invention", "Brief Description of the Drawings", "Description of the Preferred Embodiments".

Appropriate correction is required.

Claim Objections

Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend upon another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 8 has not been further treated on the merits.

Claims 1-7,9, and 10 are objected to because of the following informalities: In claim 1, line 3, "the replaceable identification card" should be "the identification card" to be consistent with lines 1 and 2. In claim 1, lines 8-9, "its holder" should be "the holder" to make it clear the applicant is referring to the same holder mentioned earlier in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-7,9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, "yo-yo present between the holder and the suspension clip" is misdescriptive since the yo-yo is not located "between" the holder and clip, see figure 2. In claim 4, there is no antecedent basis for "the card-facing side", line 2; "said recesses", line 3. In claims 6 and 7, line 1, "the locking aperture collar" is confusing since it is not clear whether the applicant is referring to the locking aperture or to the collars (plural). In claims 6 and 7, line 2, "its card-facing side" is confusing since it not clear what element is being referred to by "its" and it is not clear which side is the card-facing side. In claim 6, lines 2 and 4, and claim 7, line 2, "the clamp tongue" is indefinite since it is not clear which tongue is being referred to. In

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claim 7, lines 3-4, there is no antecedent basis for "the same clamp tongue" and it is not clear which tongue is being referred to.

Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-7, 9, and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Wo 97/42852, Switzerland 637,278, and Kagel fail to teach the use of a holder that includes holding or gripping elements, a yo-yo comprising a spring-loaded string winder and a string attached to a clip, and attaching the yo-yo to the reverse side of the card holder.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

European 264,086, Switzerland 637,278, WO 97/42852, and Kagel teach the use of a display that includes a yo-yo type device. Ohlson and Treske teach the use of holders having holding elements. Moultrie teaches the use of a yo-yo type device. Groner teaches the use of a name tag having an adjustable fastening clip.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Feb. 27, 2004